



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,611	09/25/2003	Timothy Siorek	02AB102 / ALBRP296US	6787
<div>7590 Susan M. Donahue Rockwell Automation 704-P, IP Department 1201 South 2nd Street Milwaukee, WI 53204</div>			<div>EXAMINER JEAN GILLES, JUDE</div>	
			<div>ART UNIT 2143</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE 01/09/2008</div>	<div>DELIVERY MODE PAPER</div>

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/670,611

Applicant(s)

SIOREK ET AL.

Examiner

Jude J. Jean-Gilles

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is responsive to the Reply filed on 10/02/2007.

Response to Amendment/ Arguments

1. Claims 1-23 are currently pending in the subject application and are presently under consideration. Claims 19, 20 and 21 have been amended, and claims 22 and 23 have been newly added. Claims 1-23 represent a method and apparatus for "matching web service in applications using a data object exchange protocol."
2. Applicant's arguments have been carefully considered, but are deemed persuasive. Sistanizadeh in fact does not disclose a Network Traffic Analyzer embedded into network interface as disclosed in the claimed invention. However, new reference of Maher teaches the invention as claimed (see rejection of claims 1-23 below).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1-23** are rejected under 35 U.S.C. 102(e) as being anticipated by Maher, III et al (Maher) U.S. Pub. No. 2003/0118029 A1.

Regarding **claim 1-23** Maher discloses:

1. A system that facilitates analyzing a network, comprising:

a network interface component that facilitates access to the network, the network interface component (fig. 2; item 100; par. 0031, and 0040) comprising:

a network traffic analyzer (NTA) component that analyzes network data (fig. 3, item 110; par. 0031, and 0040).

2. The system of claim 1, the network traffic analyzer comprising a filter component that facilitates associating subsets of network data with respective sources and/or destinations of the data (par. 0053; see the association of the source or destination address data with the data packets; 0024).

3. The system of claim 1, the NTA comprising a control component that facilitates controls of at least a subset of the network based at least in part upon an analysis of network data by the NTA (par. 0047, see the function of host interface 350, allowing the control of payload analyzer 110 operation).

4. The system of claim 1, the NTA further comprising an artificial intelligence component that performs a probabilistic analysis on the network data to facilitate determining a state of the network (par. 0048).

5. The system of claim 1, the NTA further comprising an artificial intelligence (AI) component that performs a probabilistic analysis on the network data to facilitate inferring a state of the network (par. 0048).

6. The system of claim 5, the inference relates to a predicted future state of the network (par. 0048; note the content awareness of network apparatus 100).

7. The system of claim 5, the inference relates to a predicted future state of a device that is part of the network (par. 0048).

8. The system of claim 1, the NTA is an asynchronous integrated circuit (ASIC) (par. 0029).

9. The system of claim 1, the NTA is software that makes up part of the network interface (fig. 3; item 110).

10. The system of claim 1, the NTA is a combination of software and hardware that makes up part of the network interface (fig. 3; item 110).

11. The system of claim 1, further comprising a data store that has stored thereon historical data relating to state(s) of the network (par. 0048).

12. The system of claim 5, the AI component comprises at least one of: a trained classifier, a neural network, a data fusion engine, a Bayesian belief network, a Hidden Markov Model (par. 0047-0048; a neural network is presented with interconnected assembly of simple processing elements).

13. The system of claim 1, the network traffic analyzer filter component comprising a data acquisition component that facilitates a filter and analysis of network related data problems (par. 0053; and 0024).

14. The system of claim 2, the filter component further comprising: a source MAC ID filter component; a destination MAC ID filter component; and a packet type filter component (par. 0051-0053, see fig. 4, item 408; note the scanning/filtering of data packets, source and destination identifier data).

15. The system of claim 14, the filter component further comprising: a sequence number filter component; a packet length filter component; and a checksum component (par. 0044-0047).

16. The system of claim 3, the control component further comprising a data collection start/stop component (par. 0041-0042; item 302; Queue engine 302 inherently has a start/stop component).

17. The system of claim 16, the control component further comprising: a memory status and control component; and a memory upload and download component (see item 364; also see par. 0045).

18. A network analysis system (item 100) comprising;

means for accessing and interfacing with a network (par. 0031, and 0040); and

means for analyzing the network, the means for analyzing is integrated with the means for accessing and interfacing with the network (fig. 3, analyzer 110; host interface 350, interface bus 372; see par. 0031, 0040, and 0047).

19. A method for allocating network traffic analysis tasks to networked devices (figs. 2-4) comprising:

activating respective monitoring components embedded into network interface of a plurality of devices of a network (par. 0044);

requesting resource utilization data from a subset of the activated monitoring components (par. 0031, and 0040);

accepting resource utilization data from the subset of activated monitoring components (par. 0031, and 0040);

evaluating the resource utilization data (par. 0048);

determining which devices have greatest available resources based at least in part on the resource utilization data (par. 0054; note the comparing of maximum bandwidth and bandwidth used); and

allocating network traffic analysis tasks based at least in part on the available resources (par. 0054-0055).

20. A method for allocating network traffic analysis tasks to networked devices comprising:

activating a monitoring component embedded into network interface of more than one device on a network (par. 0044);

requesting resource utilization data from each activated monitoring component (par. 0031, and 0040);

accepting resource utilization data from each activated monitoring component; evaluating the resource utilization data (par. 0048);

determining which device has the greatest available resources based at least in part on the resource utilization data (par. 0054; note the comparing of maximum bandwidth and bandwidth used); and

allocating the network traffic analysis tasks to the device with the greatest available resources (par. 0054-0055).

21. A method for allocating network traffic analysis tasks to networked devices comprising:

activating a monitoring component embedded into network interface of more than one device on a network (par. 0044);

requesting resource utilization data from each activated monitoring component (par. 0031, and 0040);

accepting resource utilization data from each activated monitoring component (par. 0031, and 0040);

evaluating the resource utilization data; determining the available resources for each device based at least in part on the resource utilization data (par. 0048);

allocating the network traffic analysis debug task to the device with the greatest available resources (par. 0054; note the comparing of maximum bandwidth and bandwidth used); and

allocating the network traffic analysis control task to the device with second greatest available resources (par. 0054-0055).

22. (New) The system of claim 1, wherein the network traffic analyzer is embedded into the network interface component (fig. 2-4, items 110, and 100).

23. (New) The system of claim 22, wherein the network interface component is a network interface of a networked device (fig. 2-4, items 100, and 120).

Conclusion

5. Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914.

The examiner can normally be reached on Monday-Thursday and every other Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is (571) 272-3201.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-0800.

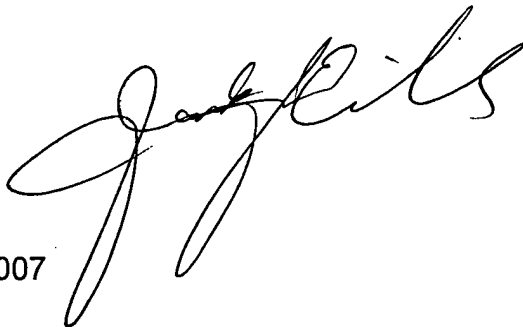
Jude Jean-Gilles

Patent Examiner

Art Unit 2143

JJG

December 28, 2007

A handwritten signature in black ink, appearing to read 'Jude Jean-Gilles', is written over the printed name and title. The signature is stylized with large loops and a long horizontal stroke at the end.